IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 6051 of 2000

Between:

1. Buradagunta Pullaiah @ Samuel (Died), S/o.late Yesupadam,

R/o.D.No.8-17-116, Mangaldasnagar, 2nd Lane,

Nehrunagar P.O., Guntur-1.

2. B.Rachamma, W/o.late Pullaiah, R/o.D.No.8-17-116,

Mangaldasnagar, 2nd Lane, Nehrunagar, Guntur-1.

3. B.Rajesh, S/o.late Pullaiah, R/o.D.No.8-17-116,

Mangaldasnagar, 2nd Lane, Nehrunagar, Guntur-1.

4. B.Pushpa Mani, D/o.late Pullaiah, R/o.D.No.8-17-116,

Mangaldasnagar, 2nd Lane, Nehrunagar, Guntur-1.

5. B.Annamma, M/o.late Pullaiah, R/o.D.No.8-17-116,

Mangaldasnagar, 2nd Lane, Nehrunagar, Guntur-1.

(Petitioners 2 to 5 are brought on record as L.Rs of the deceased 1st petitioner as per Court order dt.28-1-04 in WPMP No.1603/04)

..... PETITIONERS

AND

1. The Managing Director, A.P. Industrial Infrastructure

Corporation Limited, Parishram Bhavan, 5-9-58/B,

Basheerbagh, Hyderabad-29.

2. The Divisional Manager, A.P. Industrial Infrastructure

Corporation Limited, Guntur Branch, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or direction, more particularly in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the case of the petitioners for appointment in any post on compassionate grounds in the Industrial Estate, Guntur, is illegal, arbitrary and against the principles of natural justice, consequently directing the respondents to consider the case of the petitioner in any post on compassionate grounds in the Industrial Estate, Guntur or in any other place immediately in the interest of justice.

Counsel for Petitioners: MR. K.K.CHAKRAVARTHI

Counsel for Respondent No.1: MR. R.SUBBA RAO

Counsel for Respondent No.2:

The Court made the following ORDER:

Heard the Counsel appearing for both parties.

2. After the death of the first petitioner, his legal heirs have come on record as petitioners 2 to 5. The writ petition was filed to declare the action of the respondents in not considering the case of the first petitioner to the appointment in any post on compassionate grounds in the Industrial Estate, Guntur, is illegal and arbitrary and direct the respondents to consider the case of the first petitioner in any post on compassionate grounds in the Industrial Estate, Guntur.

3. As the first petitioner himself died, who sought for the compassionate appointment and none of the other legal heirs are not seeking any compassionate appointment, the petitioners are only entitled for the lump sum amount of compensation under the scheme providing compassionate emoluments to the legal heirs of the deceased employee. It is submitted by the learned Counsel appearing for petitioners that late Yesupadam, father of the first petitioner, while working as a Watchman in the Industrial Estate, Guntur, was expired on 18-3-1987, surviving his son and other legal heirs. The wife of Yesupadam also died. Therefore, the only legal heir was the son of Yesupadam, first petitioner herein, who also died. The wife and children of the first petitioner (petitioners 2 to 4), son of deceased Yesupadam, are surviving. Therefore, they are entitled for the terminal benefits, to which late Yesupadam was entitled to.

4. It is submitted by the learned Counsel appearing for respondents that a total compensation of Rs.1,50,000/- was decided to be paid by the Board of Directors of the Corporation in the meeting held on 9-10-2002 to the legal hiers of the deceased Yesupadam, as his death was occurred prior to the date of G.O.Ms.No.36, dated 5-9-2001.

5. Having regard to the facts and circumstances of the case, the respondents are directed to pay the said sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the petitioners within two weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly allowed. No order as to costs.

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(V.ESWARAIAH, J)

Dated: 13th October, 2004.

Note:

Issue C.C. in 3 days.

B/o.

Ak/Shr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, A.P. Industrial Infrastructure

Corporation Limited, Parishram Bhavan, 5-9-58/B,

Basheerbagh, Hyderabad-29.

2. The Divisional Manager, A.P. Industrial Infrastructure

Corporation Limited, Guntur Branch, Guntur.

3. Two CD copies.